

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1285.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF VINEGAR.

On September 26, 1910, the United States Attorney for the District of Massachusetts, acting upon the report of the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 60 barrels of vinegar in the possession of the Metropolitan Steamship Co. The product was labeled: "Superior Syrup Vinegar—Natural Color—Fleischman Vinegar Works, West 34th Street, New York—Mass. State Test 46."

Analysis of a sample of the product made by the Bureau of Chemistry of the United States Department of Agriculture showed the following results: Solids (grams per 100 cc), 0.41; nonsugar solids (grams per 100 cc), 0.33; reducing sugar, direct (grams per 100 cc), 0.08; polarization, direct, 0.0° V.; ash (grams per 100 cc), 0.084; alkalinity of soluble ash (cc N/10 acid per 100 cc), 3.0; soluble phosphoric acid, 0.0; insoluble phosphoric acid (mg. per 100 cc), 8.8; acid as malic (grams per 100 cc), 0.02; acid as acetic (grams per 100 cc), 4.82; lead precipitate, small; color, degrees, brewer's scale $\frac{1}{2}$ inch cell, 11.0; color removed by fuller's earth, 62.0 per cent. The libel alleged that the vinegar, after shipment by the Fleischman Vinegar Works from the State of New York into the State of Massachusetts, remained in the original unbroken packages, and was adulterated and misbranded in violation of the Food and Drugs Act of June 30, 1906, and was therefore liable to seizure for confiscation. Adulteration was alleged against the product for the reason that a certain substance, to wit, a dilute solution of acetic acid, had been mixed and packed with it so as to reduce and lower and injuriously affect its quality and strength; and for the further reason that said product had been mixed, colored, and stained in a manner whereby damage and inferiority was concealed, that is to say, it had been

colored with syrup refuse. Misbranding was alleged for the reason that the label represented the product to be "superior syrup vinegar, natural color" when in fact it was not superior syrup vinegar and was not natural color. The representation was therefore false and misleading.

On October 18, 1910, the case coming on for hearing and the Fleischman Vinegar Works having appeared as claimant, the court found the product adulterated and misbranded as alleged in the libel, and entered a decree condemning and forfeiting it to the United States and ordering its destruction by the marshal, but with the proviso that it might be released to the claimants upon the payment of costs and the execution of a bond in a sum satisfactory to the court conditioned that said product should not be sold again contrary to law.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 13, 1912.*

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